

MINUTES
**FINANCE/PARKS & RECREATION/
PUBLIC WORKS PROGRAMS COMMITTEE**
June 20, 2012

A meeting of the Finance/Parks & Recreation/Public Works Programs Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Councilmember Tim Bynum, Chair, at the Historic County Building, Room 201, Lihu'e, Kaua'i, on Wednesday, June 20, 2012, at 1:49 p.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable KipuKai Kuali'i
Honorable Nadine K. Nakamura
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura
Honorable Dickie Chang, Ex-Officio
Honorable Jay Furfaro, Ex-Officio

The Committee proceeded on its agenda item as follows:

Bill No. 2437 A BILL FOR AN ORDINANCE TO AMEND SECTION 19-1.3
AND SECTION 19-1.4 OF THE KAUA'I COUNTY CODE 1987,
AS AMENDED, RELATING TO PARKS AND RECREATION
[This item was deferred.]

TIM BYNUM, Finance/Parks & Recreation/Public Works Programs Committee Chair: This is about smoking and not doing it in County Parks. I did have an email that there might be a request to defer this bill today, but I will start by taking testimony from the public. Anyone who is here would like to testify? Come on up, Valerie.

There being no objections, the rules were suspended.

VALERIE SAIKI, Coalition for a Tobacco Free Hawai'i: Good afternoon, my name is Valerie Saiki. I am here with the Coalition for a Tobacco Free Hawai'i. I just want to speak in favor of Bill No. 2437, and I know that there were some concerns over if we were going to be spearheading some brand new projects, and I just want to make sure that all Councilmembers understand that tobacco-free parks is not a new thing. Over 602 parks in our country are tobacco-free, and I have a list of them, and I can pass these around. That is just a piece of paper that has all the different various parks around the country that are tobacco-free, and I also want to make note that the entire state of Oklahoma is tobacco-free parks.

I also know that there was addressing on sports arenas as well. There are 30 baseball stadiums and 31 football stadiums that are also completely tobacco-free as well, and 15 in both are 100% tobacco-free within the gates, and that also includes parking lot areas. So that is something that I would like for you folks to make note.

I also do know that there were thoughts about designated smoking areas, and I know my testimony last time explained that designated smoking areas do not work. So I did also want to bring something that was created by Dr. Dileep Bal, and it is a swimming pool. On one side it says "peeing area" and on the other

“non-peeing area,” so it still circulates around. When you put it into that kind of parallel, would you want to swim in this pool? So I did just bring that too as a reminder as well. Thank very much for your time in considering this bill.

Chair Bynum: Questions? Councilmember Yukimura.

Ms. Yukimura: Designated smoking areas do not work, I mean it is maybe a little different, maybe it is not. How do people who are at parks who need to smoke and I know that is...what should they do? Go home?

Ms. Saiki: When we talk about the area of the parks, there is the perimeter. Usually most parks are separated, there is a chain-link fence or there is some type of a boundary or border. That is the area that is being governed. That is the area that is ruled by the County, correct? So anywhere outside of there is not.

Ms. Yukimura: So take Po‘ipū Beach Park, for example. It does have some informal boundaries. So people would probably go out to the parking lot, but even that would not be...that is considered part of the park.

Ms. Saiki: Is that considered part of the park or your jurisdiction in that area?

Ms. Yukimura: Yes.

Ms. Saiki: As a park, not like County property.

Ms. Yukimura: Well, it is County property, it is parking for the park. I wondered if a value of a designated area even somewhere in that parking lot would be good just because you could put a receptacle, and I hear there are different opinions about whether receptacles work, but at least collect the stubs there. So I am just asking the question in terms of accommodating all users but not to the extent that anyone harms another.

Ms. Saiki: I understand that. I believe that the foundation of this bill was basically just to get the tobacco use out of the park area, and not to so-call label a designated smoking area where people migrate to specifically because once you label that, then like you said a receptacle would be necessary, markings would be necessary, and where would those come from, and how would you establish that as the designated area, is there any scientific proof on why it is in that specific area. That is why specifically to the law we are considering just internal.

Ms. Yukimura: Okay, well you would not need scientific proof about whether...I mean it would be a policy decision about where you would put it, both in terms of distance and so forth. But if you do not do it, how do you enforce it? How do you know where you can or cannot? And if you leave it vague, then when Police are called in to enforce it or something, how do they know where to enforce it is what I am curious about?

Ms. Saiki: It is just visually when I think of the main parks, for me when I think of Po‘ipū Beach and the park, it is probably up until roadside. There is no parking. It is in that boundary, right, the rocks are there and then the grass.

Ms. Yukimura: Right, but how do police...how do police know? So what you are saying is people smoke in the parking lot that should be okay.

Ms. Saiki: Yes.

Ms. Yukimura: And how would the police know or anybody who...you could almost have fights over it possibly because somebody says you are not supposed to smoke here, this is part of the park, and other people saying no, it is not part of the park.

Ms. Saiki: I remember that when we were going through the different types of parks and what is considered a park, there is actual square footage that determines that particular park's area. Is there also a map that draws up the park's boundaries because that could be the rule of the thumb?

Ms. Yukimura: I do not know. We would have to ask our Parks Division. I am just trying to think through, based on testimony, on just how things would actually work. So I appreciate your input, and I do not have clear answers yet, but that is something we could...because what you are moving us toward in saying there are somehow designated boundaries is people would know where they could not do it, and they would know where they could if they had to and if they want to be users of the park. Okay, thank you.

Chair Bynum: Councilmember Rapozo.

Mr. Rapozo: I have a question as far as practicality, and I know over the weekend I have been researching a lot of the statutes on the mainland, different areas throughout the mainland, and I did not realize Hawai'i and O'ahu, according to the document you just passed out, had smoke-free parks. So I just asked our staff to go see if we can get the statutes because I am interested in how theirs are worded, but what I found was pretty much two things that were common in many of the statutes. One was a lot of the statutes were voluntary compliance. In other words, there was no penalty. It was voluntary compliance. The counties and the cities actually did put up the signs to say that it was a smoke-free park, but there were no penalties. Basically, it was a policy statement that the county or the city made and it works really well. The other thing was a majority of the statutes had a radius of anywhere from 25 feet to 50 feet from people in part of their statutes, which I think is pretty reasonable simply because if let us say...and the park, our parks are...and the way it is defined in the statute, it includes everything that the County oversees, which would be the parking lot. If you look at Nāwiliwili Park, that whole area by the seawall, that is a County park, all of that, except the road that goes down to obviously the old Sea Flight, that is State. But everything from that gate to where the old Pine Tree Inn used to be, that is a County park. It just seems harsh to me that let us say a fisherman at night was going to go and there is nobody there. There is absolutely no one at the park, and he decides to throw his pole in the water and smoke his pipe or cigar or whatever, and he would be prohibited because of this statute versus a person that is going into a park with people and now with the statute being that let us say...and I am perfectly fine with a 50-foot buffer. Again, anywhere else if it is not a park or a recreation area, anywhere else it is really 20 feet from a door that is what it is today. But as far as the beach because it is open or whatever, I think a good compromise would be a 50-foot, but what is your position on that? Is that something that would work?

Ms. Saiki: For a buffer area, but from where, like at what point?

Mr. Rapozo: From any human. So in other words, if you went to Po'ipū Beach Park and there is nobody there, you could light up. If you...

Ms. Saiki: But how is the police to know that oh, if his excuse was I did not know that anyone else was around me? It is more for simplicity's sake of saying that just within these boundaries, and then that way there is no confusion.

Mr. Rapozo: There is going to be confusion on boundaries, I can tell you right now because we cannot control anything down on the beach. That is State anyway.

Ms. Saiki: Yes.

Mr. Rapozo: The cop comes, said hey, I was smoking right there on the beach, I was smoking by the beach. There is going to be that issue. To be honest with you, I do not think you are going to find too many cops responding to these calls because it is just...it is not an enforceable law, in my opinion, but that is fine. And that is why I think a lot of the jurisdictions on the mainland are saying hey, this is voluntary compliance; it is a law, but there is no penalty; there is no enforcement; so the public understands that there is no enforcement. But the public policy states you should not be smoking in this park.

Ms. Saiki: And that is the majority of what we want is the enforcement not to be by police but to be public governed so that the law backs up a community member who wants to walk up to somebody and say, I'm sorry, can you please put out your cigarette; my children are here or I don't want to breathe that air.

Mr. Rapozo: That is...I am kind of leaning toward that type of statute. I am assuming this is going to be deferred today anyway, but...

Ms. Saiki: I did bring a copy of the Big Island's if you want a copy of that.

Mr. Rapozo: Yes, I am just curious to see how it was written.

Ms. Saiki: I can just give that to you as well and we can make copies as well, I just have the one copy. This is Hawai'i County's ordinance.

Mr. Rapozo: Thank you.

Chair Bynum: Questions for Valerie? If not, thank you very much, appreciate it. Anyone else who cares to testify? Glenn?

GLENN MICKENS: Thank you, Tim, for the record Glenn Mickens. I have a short testimony. I completely agree with all those who testified about the health hazards of smoking, secondhand smoke, and the problems created by smokers who drop their butts wherever they are: the streets, the beaches, the sidewalks, parks, parking lots, or wherever. But I also agree with the smokers who say they need an area to smoke in. It should be well distanced from non-smokers, where secondhand smoke is not a factor. Personally, I would ban the sale or use of all tobacco products due to the overwhelming evidence that this product is the cause of so many sicknesses and deaths. And yes, the evidence is even more condemning that alcohol causes more deaths and problems than tobacco, and it is a legal drug.

We did try banning its use in the 1920s, but it did not work and neither would trying to ban tobacco. There is just too many billions of dollars spent on lobbyists and there would be fighting going on.

Also, as Mel was pointing out, being able to enforce any ordinance, whether it is Bill No. 2437 or any other law is a problem. Littering or throwing a lighted object from a vehicle is illegal, but on a prioritized basis, this is very low when we just do not have enough officers to enforce our laws.

I compliment my friend Dickie for introducing Bill No. 2437, which I would support, but only hope that he amends it to address where, how, and when smokers can go to satisfy their addictive habit. I think that was basically Mel's question that realistically in the real world you are going to have to have someplace for these people to go, and the enforcement mechanism, I think, is just going to be horrendous because as Mel's pointed out if some fisherman is down there or something, but even when there are picnics going on and stuff, if a buffer zone is, you were pointing out Mel, 50 feet or something, I would say that is okay, providing the wind is not blowing to some people who are downstream. But the enforcement mechanism has to be, I think, up to the people themselves. Anyway, Dickie, I appreciate your work on this amendment. Thank you.

Chair Bynum:

Come on up. Anyone?

MARY PAT MILLS: I have my own cigarette butt trash container. That was from the Natural American Spirit cigarettes out of Santa Fe, New Mexico. Mary Pat Mills for the record. I just want to show you a picture of my 85-year-old brother smoking his...actually he is not smoking his cigar, he smoked cigars for 20 years and now he just chews on it all the time. He is planning on coming to visit me and I had hoped that he is going to be able to go to the park and be able to chew his cigar.

For three years I have switched cigarette brands to Natural American Spirit made in Santa Fe, New Mexico, which are 100% additive-free tobacco. It does not mean a safer cigarette and has the Surgeon General Warning on the package. I called them to find out what their cigarette butts contained. I was told they are made of cellulose acetate, a fiber highly graded purified (inaudible) from reforested trees, and they dissolve gradually. I asked her if she knew how long; they had no record on that at this time.

Again, not only butts end up in the ocean. Yesterday I was down at the horn and I picked up just a little bit of trash. Unfortunately this was my rubbish. I had loaded my stuff onto the sidewalk, I was getting ready to go to work, and the wind was so strong it went on blowing, and fortunately I was able to catch it at the fence, but this is something that could have ended up in the ocean very easily. What was ironic about it is that one side of it is the Kaua'i Realtors and on the other side is the building permits, and then all this other rubbish was there too. And then I managed to find...do all of this, but there were a lot of soda tops, cups, beer cans, and stuff, and what was really amazing, I thought, was I found a little children's slipper.

Anyway, I guess my main thing what I want to ask here is there is no way that they are going to be able to enforce this law. The question is does the County Council have the backbone it needs to stand up to the Coalition for a Tobacco Free Hawai'i and vote against Bill No. 2437? Again smokers, local Kauaians, Ni'ihau, visitors, ball players, sports fans, this will make them potential criminals. We do not need that pressure. And also the counts of potential discriminators to select to

make a difference or distinction by issuing an exemption of freedom for duty or penalty of immunity are listed in Section 19-1.4, which includes the golf courses. We need to enforce the litter laws, educate the children with proper disposal areas, put out red cans, and I beg to tell you for the smokers to wake up to more diligent picking up their butts and other trash and respect others and the 'āina. Put this on this election ballot so let the people vote for against or not against Bill No. 2437. Thank you very much.

Ms. Yukimura: May I ask a question?

Chair Bynum: Councilmember Yukimura.

Ms. Yukimura: Hi Mary, thank you. So you are wanting not to amend this bill for designated areas, but to allow smokers everywhere to smoke freely in the park?

Ms. Mills: People have to be courteous. I am a courteous smoker. If I am smoking, I try not to smoke around children. I pick up my cigarette butts, and I pick up a lot of other people's butts as gross as it is and I am at the horn and I see litter, I am picking up litter all the time because I see not only cigarette butts but all kinds of other stuff that is just on the edge of going out into the ocean.

Ms. Yukimura: I am sure you are. I do not have any doubts about you, but usually you need laws because there are non-courteous people, people who do not consider others and I think the evidence is pretty clear that secondhand smoke is dangerous, especially to young children. So could you live with a bill that has a prohibition, but has a place where smokers can go?

Ms. Mills: Yes, yes. I just...but even to some degree it is like I still, I feel like I am going to be guilty, I am guilty if I go light up my cigarette whether a cop comes and arrests me or whatever. It is turning me...I feel like I am going to be...I am a potential criminal, and I am trying to be an upright citizen.

Ms. Yukimura: The thing is that you probably would not violate the law.

Ms. Mills: I will be smoking wherever I can.

Ms. Yukimura: Wherever you can, but if it is against the law, you would still smoke?

Ms. Mills: More than likely.

Ms. Yukimura: That is being honest.

Ms. Mills: The Police Department will probably be seeing a lot of me.

Ms. Yukimura: It is clear that it is hard for you.

Ms. Mills: Actually what it does is it makes, probably not only myself, but it makes me very angry and it makes me even want to do it more.

Ms. Yukimura: Yes, but the thing is if it does harm young children, you certainly do not want to expose them.

Ms. Mills: No, no, that is why I say we need to educate them. But as far as education, my mother never smoked, she had five children. She never smoked, she never drank. She has five children that ended up smoking and drinking. I was told not to be smoking, and I still smoke today.

Ms. Yukimura: Thank you for being honest.

Chair Bynum: Anyone else would like to testify on this bill?
Thank you.

TESSIE KINNAMAN: Good afternoon. I was just wondering if this is really going to be deferred because I would like to reserve my comments for the next Committee if possible. Oh, I am sorry, Tessie Kinnaman.

Chair Bynum: If there is a request for a deferral, I will honor that. I will suggest that the Committee honor that request.

Ms. Kinnaman: I would request a deferral also. Thank you.

Chair Bynum: Thank you. Anyone else would like to testify? If not, we will call the meeting back to order. Mr. Chang.

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Chang: Thank you, Councilmember Bynum. I would like to say a few words, being the introducer of the bill. I just wanted to give a little history to my fellow Councilmembers, as well as the viewing public, and those that are in the audience. About a year ago, I participated in the Relay For Life up in Hanalei. That was the first time. I have always participated at Hanapēpē, first time ever on the North Shore. So I ran into Ms. Valerie Saiki and she said, hey, I need to chat with you. Of course, this was the American Cancer Society related event, and she told me she needed to chat regarding a concern about smoking in public places, etcetera. So the following week we got together and it was a very, very long process. We had drafted a bill that we thought was a good bill which we circulated to the Prosecuting Attorney, to the Parks & Recreation, to our County Attorneys, and over the months it got changed, amended. We felt that we had a solid bill.

And just to give the viewing audience and the general public a little bit of history, the original thought was to try to ban smoking, if you will, on the beaches. Obviously, it is the Department of Land and Natural Resources, it is the State. Everybody knows the amount of cigarettes that are on the beaches. I think everybody here at one time or another participated in beach clean-ups, highway clean-ups, etcetera, so the concern came from everywhere. The concern came from those that were concerned about adults, about children, about the wildlife, the seals, the turtles, the fish, etcetera. We saw a picture of the crab. So at that particular point we realized that we could not ban the beaches. So we started to work our way into the parks, thinking about the concerns for the parks. So as a non-parent, I was approached by a lot of different parents that were concerned about the children and the kids. Everyone that I talked to...I guess I cannot say everyone, but those that I have talked with, which was pretty much overwhelming, not only felt that they had concern about the kids, but even the adults themselves said, I am concerned about secondhand smoke.

And if I can kind of just go down the line on this just a bit, the introducer of the Big Island was former Big Island Chairman J Yoshimoto, and the bill has been in effect on the Big Island for four years. J was a baseball coach. We had a gentleman last week talking about being able to smoke in the dugout. But because he was a Tee Ball coach, the kids used to be in the dugout, but the parents would be talking to the kids, being right next to the dugout, smoking, and the smoke would accumulate in the dugout, and the kids, their lungs, they are children, have not yet fully developed. So that instigated him to do a bill regarding smoking in public areas.

Those that have been concerned and those that have called me personally or stopped me wherever we were at, I do not believe understands the whole bill because first of all they were concerned that they could not smoke on the beaches. And as I mentioned if we could stop it, if I could have stopped it, I would have because the cigarette butts are all over the beaches, number one.

Number two, a lot of people complained because they thought it had to do with the Wailua Golf Course, and it just wanted to get it straight for the public record that it does not affect the Wailua Golf Course. About less than a week ago I was approached by golfers with a big petition because they all thought it was the golf course and I tried to explain to them it was not the golf course. I wrote my number down, gave them the bill number, and I did not receive any other calls thereafter because I guess they realized that it did not infringe upon their play there at the Wailua Golf Course.

I have gone to the Lydgate Campgrounds because now camping is permitted. I have been through the parks. I would have to say that the park cleaners, the maintenance people do an excellent job. When they clean up, they clean up spic and span. But when I was talking to different campers or talking to public people about say for example designated areas, trying to be fair with designated areas, exactly the spots that we were standing, next to receptacles, you could count the butts in the area, in the vicinity, because they were not being discarded in "a place that would be public with a place to discard the butts." So walking around the campgrounds, as I mentioned, the park rangers, the maintenance people do an excellent job. But after a few hours of participation within the park, you would see visual evidence of discarding cigarette butts, etcetera. I think the concern from the get-go from many parents was that the children pick it up, they might emulate or put in their mouth or...two weeks ago we had a wonderful testimony from a young lady that was with the Boys & Girls Club, and if some of us all remember, she was seven years old and pretty much addicted to cigarettes at that young age.

So I think my feeling with this is based on the amount of people that have come forward that would like to have a healthy clean environment. That is, I believe, the intention behind this bill and I do want to say that J Yoshimoto, the former Chair of the Big Island, said that he did it four years ago. If he could have done it four years prior to that, he would have because this is not about calling the Police Officer. Most people say that it will take you a minute to five minutes to finish your cigarette. I do not believe anybody is going to call the police and say hey, somebody is smoking over here. I am hoping that is not the case. And I am just hoping that in fairness to the Aloha Spirit, sometimes you just have to look at somebody and say, my bad, my bad, I forgot. Because I think people are considerate that they can walk to a distance away. I do not necessarily think it has to be a designated area, but I think people can discreetly do what they need to do out in the open air, if you will. And I just wanted to say that I believe it is a good thing for the children. I believe it is a good thing for the adults and those...and by the way, many people that have smoked have come forward and said, you know what, we are

smokers, but we understand what you are trying to do. And I also would like to say that I spoke with a young man that is a non-smoker, but he also felt that the smokers did have rights. So this is something that obviously we are going to defer and talk about, but I thought it was very important to let people know that when we do public testimony we cannot engage, but it is not stopping people from being on the beach, in my opinion sadly, but it also does not stop people from smoking on the golf course. Thank you, Chair.

Chair Bynum: Other...if there is not, I have a few com...Mr. Rapozo.

Mr. Rapozo: Thank you and thanks, Dickie, for that clarification. Also not covered and Ginger just showed me the first part of Chapter 19, which excludes golf courses and swimming pools, so I guess people could smoke at swimming pools, but they cannot smoke at the beach. I have some problems with that. I have some serious issues with that. You can smoke at the golf course, but you cannot smoke at the beach.

Mr. Chang: You can smoke at the beach.

Mr. Rapozo: I mean in a beach park or recreational facility. I am talking about any County park, any County recreational facility, you cannot smoke, but you can smoke at the County swimming pool or you can smoke at the golf course. And again, I do not understand when we write laws, why is one group of people separate versus another. I think that is what bugs me. If it is dangerous for someone at the beach park, then it is dangerous for somebody at the golf course or it is dangerous for somebody at the swimming pool. I mean that makes no sense. No worry, golfers, we are going to take care of you because you folks made noise, but I cannot believe that was even there. I was surprised to see that, but it is, it is in there, and it is not in this amendment. You will not see it here. You will see it in the beginning of the applicability of Section 19 excludes those two areas. So thank you, Ginger, for that.

I also...staff checked with the City & County of Honolulu, and they do not have any bans as well. When we get these municipality smoke-free park laws, I was concerned because I know, in fact, I was shown the Big Island ordinance a while back by Valerie and I forgot about that, but Honolulu does not have one. The County of Hawai'i is the only one. I think we have to be careful when we get the information, make sure we get accurate information.

You heard my comments early on about a buffer zone. I think the buffer zone is probably the most practical way to go. I think public policy will dictate the activities of many of the beachgoers and park users and so forth, but I think to do a complete ban on any activity in a park, I think that might be going a little too far, in my opinion. I think we can make the park, beach park facility safer by some regulation. But to completely outright ban it, I think...and then to allow it at a golf course is beyond me. To allow it at the swimming pool, which kids often frequent...I am sorry, Convention Hall was the other one, the Convention Hall not the swimming pool, Convention Hall. I am sorry not the swimming pool. Convention Hall, my bad, it has been a long day, at the Convention Hall. So the Convention Hall, golf course, you can. And yet if you look at the golf course, there are a lot of kids who golf. There is Junior Golf that uses our Wailua Golf Course. There is a lot of youth out at that golf course and it is wide open just like any other park. In fact, I think the smoke...at the golf course you see a lot of cigar smoking and that to me is even more offensive than a cigarette.

So I think as we look at the ordinance, we have to make sure we treat everybody the same. Everybody has to be treated the same. This bill would not...it is not because it is an amendment to the bill, it is the bill in itself that takes out the golf course from any of our regulation. So I am, again, working with staff to take a look at some amendments that would create a buffer zone or even maybe a designated smoking area, as Councilmember Yukimura has talked about. But I think to completely ban the activity might cause some problems here on Kaua'i. Thank you.

Chair Bynum: Anyone else want to comment? I am going to save mine. Yes, Councilmember Chang.

Mr. Chang: Would you like to go to someone else before my...I just have a real short (inaudible).

Chair Bynum: Yes, go.

Mr. Chang: Just for any kind of clarification, I did not or we did not poll the golfers to hear their outrage prior to just saying okay, we will exclude the golf course. The golf course was always never included and I think a lot of that logic...it is not just open air, but yes, there are junior golfers that are supervised by adults, which we are hoping that the adults are not smoking next to the junior golfers, but if you know anything about golf, you have a par three, you have a par four, you have a par five, you are going to be at least 100 yards from...in most groups somebody is teeing off while most people are either three-quarters of the way on the fairway if not already putting out. So there is a separation of yardage in open air and the reasoning was right, I believe, off the get-go was yes, there are junior golfers, there are children, but most of whom are hopefully with responsible instructors or parents on the golf course. Thank you.

Chair Bynum: Councilmember Yukimura.

Ms. Yukimura: Thank you. I am thinking that the Convention Hall is covered by State law as to buildings. So even though it is not covered by this proposed law, I do not think smoking is allowed in the Convention Hall whatever the State law is. I think there are many inconsistencies in what we are looking at right now. So it will take more work and I would support a deferral.

Chair Bynum: Councilmember Kualii.

Mr. Kualii: Thank you, Chair, just very briefly, most of the comments I would have made have already been made, but I do think that it is really difficult when you try to legislate behavior and tell people what they can and cannot do, and separate between classes of people when in fact they are all equal in paying taxes and utilizing public property. So to not have any allowances or any designated area, I think we would be taking away something from people for sure.

And also, the difficulty with enforcement and needing the idea of voluntary compliance, even the proponents of the bill were okay with that. So a little bit of work, some amendments, I have made some requests of staff too. Some of the information I was wanting have showed up, like the Hawai'i Bill. So I was planning to ask for that before. Thank you.

Chair Bynum: We are going to take a five minute break to allow for a tape change and then it looks like we will have a deferral today. I am going to have a few comments. We might be out of here in 20 or 30 minutes.

Mr. Rapozo:
take a caption break.

We have been here two hours. I think you have to

Chair Bynum:
Thank you.

Okay, let us do the 10 minutes for a caption break.

There being no objections, the meeting was recessed at 2:28 p.m.

The meeting was called back to order at 2:37 p.m., and proceeded as follows:

Chair Bynum: Was there anyone else who wanted to make comments before we entertain a motion to defer? Mr. Chang.

Mr. Chang: Yes, just one quick comment, Mr. Chair. I definitely support the deferral so we can do our due diligence, but I also want to say to all of our members and also to the public that we will be going to the statewide conference on the Big Island. So this gives us an opportunity to speak to our counterparts on the Big Island to find out firsthand how it has been working for the past four years. Thank you.

Chair Bynum: Yes, very good. I want to make a few comments before we do the deferral. If you look at this bill, it is a real simple straightforward bill. In our County parks we currently have 21 things that you are not allowed to do, and they are like play loud music or start fires outside of a designated area, that kind of thing. So this bill just simply adds use of any tobacco product, including smoking cigarettes, to that list. I personally and I will be open to hear about any amendments, but I do not think I am going to introduce any because I think when you start designating areas that is when you start running into problems when it is like oh, you can smoke here, but not there. If it is just you cannot smoke in public parks, people understand that pretty straightforward, and I think some of the complications happen when you start designating. We all know this is an emerging issue. In the 1950s everybody smoked everywhere. In airplanes you smoked and then it was like well, let us have designated smoking areas, and let us have non-smoking hotel rooms, and smoking. Now we know the vast majority of hotel rooms are non-smoking campuses. It is an emerging kind of place to go. Because we learned about secondhand smoke, I support this bill as written. I will keep an open mind for any amendments because I want to hear the arguments, but I think keeping it simple, there is a lot to be said for that.

And I want to tell a quick story. I am celebrating three weeks of my second grandson, Clifton, and his very first outing ever outside of the house was down to the beach near Lae Nani with his mom, the first time he has ever been outdoors, and mom sits down under a tree on County property. Well, Lae Nani does not allow smoking anywhere in their facility, so people come down to the beach to smoke and leave their cigarette butts. And somebody comes down there and lights up a cigarette right next to my daughter and my new grandson. It bothered my daughter and she asked very kindly, can you please not smoke around my new baby. This person said you can go somewhere else; I am going to smoke here. My dad used to always tell me your right to swing a fist ends at the tip of my nose. And I think that is what this issue is. We know now that the health dangers of secondhand smoke are very significant. And the vast majority of smokers that I know are very courteous, but it really irritates me to watch people flicking cigarettes outside of their cars, which happens a lot.

I think this is a bill whose time has come. I sat here and watched this Council before I was on it when Jimmy Tokioka championed early on smoking restrictions in restaurants. It was controversial at the time, but right now we would not dream of bringing ashtrays back into restaurants where the table next to you is somebody smoking. This bill, the time has come. I like it in its current form. It is very simple and straightforward and you do not get into who goes where. If you really need to smoke that bad, I guess you can get in your car and drive, but please use the ashtray. Thank you. Any other comments before I entertain a motion to defer?

Upon motion duly made by Councilmember Rapozo, seconded by Councilmember Kualii, and unanimously carried, Bill No. 2437 was deferred.


There being no further business, the meeting was adjourned at 2:43 p.m.

Respectfully submitted,



Wilma Akiona
Council Services Assistant

APPROVED at the Committee Meeting held on July 5, 2012:



TIM BYNUM
Chair, Finance/Parks & Recreation/
Public Works Programs Committee